

APPENDICES**APPENDIX A - LIST OF COMMENTERS TO THE *THIRD FURTHER NOTICE OF PROPOSED RULE MAKING*****Comments**

American Mobile Telecommunications Association, Inc.
Globe Wireless, Inc.
Warren C. Havens (Havens)
KM LPTV of Chicago-13, L.L.C. (KM)
Mobex Communications, Inc. (Mobex)
National Association for Amateur Radio (American Relay League, Inc.)
Paging Systems, Inc. (PSI)
United States Coast Guard (Coast Guard)

Reply Comments

Havens
Instantel, Inc.
KM
Mobex
Securicor Wireless Holdings, Inc.

APPENDIX B - REGULATORY FLEXIBILITY ANALYSIS

Final Regulatory Flexibility Analysis (for *Fifth Report and Order*)

As required by the Regulatory Flexibility Act (RFA),³³⁴ an Initial Regulatory Flexibility Analysis (IRFA) was incorporated into the *Third Further Notice of Proposed Rule Making*³³⁵ in this proceeding. The Commission sought written public comment on the IRFA. The present Final Regulatory Flexibility Analysis (FRFA) conforms to the RFA.³³⁶

A. Need for, and Objectives of, the *Fifth Report and Order*:

Our objective is to simplify our licensing process for AMTS stations. Specifically, this action will: (1) convert licensing of AMTS station spectrum from site-by-site licensing to geographic area licensing, (2) simplify and streamline the AMTS spectrum licensing procedures and rules, (3) increase licensee flexibility to provide communication services that are responsive to dynamic market demands, and (4) introduce market-based forces into the Maritime Services by using competitive bidding procedures (auctions) to resolve mutually exclusive applications for AMTS spectrum. We find that these actions will increase the number and types of communications services available to the maritime community and improve the safety of life and property at sea, and that the potential benefits to the maritime community exceed any negative effects that may result from the promulgation of rules for this purpose. Thus, we conclude that the public interest is served by amending our rules as described above.

B. Summary of Significant Issues Raised by Public Comments in Response to the IRFA:

No comments were submitted in response to the IRFA. However, Mobex Communications, Inc., a commenter to the *Third Further Notice*, suggested that we allow applicants to exclude operating revenues from activities which have been discontinued more than one year prior to the filing of the short form application when determining the average gross revenues for the preceding three years. The Commission carefully considered this comment when reaching the decision that it was in the public interest that such revenues continue to be included in the calculation of average gross revenues, because the inclusion of such revenues will help provide an accurate and equitable measure of the size of a business and whether that business is truly eligible for small business bidding credits.

C. Description and Estimate of the Number of Small Entities to Which Rules Will Apply:

The RFA directs agencies to provide a description of and, where feasible, an estimate of the number of small entities that may be affected by the proposed rules, if adopted.³³⁷ The RFA generally defines the term "small entity" as having the same meaning as the terms "small business," "small organization," and "small governmental jurisdiction."³³⁸ In addition, the term "small business" has the same meaning as the term "small business concern" under the Small Business Act.³³⁹ A small business

³³⁴ See 5 U.S.C. § 603. The RFA, see 5 U.S.C. § 601 *et. seq.*, has been amended by the Contract With America Advancement Act of 1996, Pub. L. No. 104-121, 110 Stat. 847 (1996) (CWAAA). Title II of the CWAAA is the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA).

³³⁵ *Second Report and Order and Second Further Notice*, 12 FCC Rcd at 17108.

³³⁶ See 5 U.S.C. § 604.

³³⁷ 5 U.S.C. § 603(b)(3).

³³⁸ 5 U.S.C. § 601(6).

³³⁹ 5 U.S.C. § 601(3) (incorporating by reference the definition of "small business concern" in 15 U.S.C. § 632). Pursuant to the RFA, the statutory definition of a small business applies "unless an agency, after consultation with the Office of Advocacy of the Small Business Administration and after opportunity for public comment, establishes one or more definitions of such term which are appropriate to the activities of the agency and publishes such definition(s) in the Federal Register." 5 U.S.C. § 601(3).

concern is one which: (1) is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the Small Business Administration (SBA).³⁴⁰ A small organization is generally "any not-for-profit enterprise which is independently owned and operated and is not dominant in its field."³⁴¹

The rules adopted herein will affect licensees using AMTS and high seas public coast spectrum. In the *Third Report and Order* in this proceeding, the Commission defined the term "small entity" specifically applicable to public coast station licensees as any entity employing fewer than 1,500 persons, based on the definition under the Small Business Administration rules applicable to radiotelephone service providers.³⁴² Since the size data provided by the Small Business Administration does not enable us to make a meaningful estimate of the number of AMTS and high seas public coast station licensees that are small businesses, and no commenters responded to our request for information regarding the number of small entities that use or are likely to use public coast spectrum, we have used the 1992 Census of Transportation, Communications, and Utilities, conducted by the Bureau of the Census, which is the most recent information available. This document shows that only 12 radiotelephone firms out of a total of 1,178 such firms that operated in 1992 had 1,000 or more employees. There are three AMTS public coast station licensees and approximately thirteen high seas public coast station licensees. Based on the rules adopted herein, it is unlikely that more than seven licensees will be authorized in the future. Therefore, for purposes of our evaluations and conclusions in this FRFA, we estimate that there are approximately twenty-three AMTS and high seas public coast station licensees that are small businesses, as that term is defined by the Small Business Administration.

D. Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements:

All small businesses that choose to participate in the competitive bidding for these services will be required to demonstrate that they meet the criteria set forth to qualify as small businesses, as required under Part 1, Subpart Q of the Commission's Rules, 47 C.F.R. Part 1, Subpart Q. Any small business applicant wishing to avail itself of small business provisions will need to make the general financial disclosures necessary to establish that the business is in fact small. Prior to auction each small business applicant will be required to submit an FCC Form 175, OMB Clearance Number 3060-0600. The estimated time for filling out an FCC Form 175 is 45 minutes.

In addition to filing an FCC Form 175, each applicant will have to submit information regarding the ownership of the applicant, any joint venture arrangements or bidding consortia that the applicant has entered into, and financial information demonstrating that a business wishing to qualify for installment payments and bidding credits is a small business.

Applicants that do not have audited financial statements available will be permitted to certify to the validity of their financial showings. While many small businesses have chosen to employ attorneys prior to filing an application to participate in an auction, the rules are intended to enable a small business working with the information in a bidder information package to file an application on its own.

When an applicant wins a license, it will be required to submit an FCC Form 601, which will require technical information regarding the applicant's proposals for providing service. This application will require information provided by an engineer who will have knowledge of the system's design. The estimated time for completing an FCC Form 601 is one hour and fifteen minutes.

³⁴⁰ Small Business Act, 15 U.S.C. § 632 (1996).

³⁴¹ 5 U.S.C. § 601(4).

³⁴² See Amendment of the Commission's Rules Concerning Maritime Communications, *Third Report and Order and Memorandum Opinion and Order*, 13 FCC Rcd 19853, 19893 (1998) (citing 13 C.F.R. § 121.201, Standard Industrial Classification (SIC) Code 4812 (now North American Industry Classification System (NAICS) Code 513322)).

E. Steps Taken to Minimize Significant Economic Impact on Small Entities, and Significant Alternatives Considered:

The RFA requires an agency to describe any significant alternatives that it has considered in reaching its proposed approach, which may include the following four alternatives: (1) the establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance or reporting requirements under the rule for small entities; (3) the use of performance, rather than design, standards; and (4) an exemption from coverage of the rule, or any part thereof, for small entities.

The Commission in this proceeding has considered comments on implementing broad changes to the maritime service rules. It has adopted alternatives which minimize burdens placed on small entities. It has decided to adopt for AMTS the small business provisions that were adopted in the auction of VHF public coast spectrum. Specifically, the Commission has concluded that AMTS small businesses will receive a bidding credit of 25 percent and very small businesses will receive a bidding credit of 35 percent. It has defined small businesses as those entities, together with their affiliates and controlling interests, with not more than fifteen million dollars in average gross revenues for the preceding three years, and very small businesses as those entities, together with their affiliates and controlling interests, with not more than three million dollars in average gross revenues for the preceding three years.³⁴³

The Commission considered and rejected several significant alternatives. It rejected the Mobex Communications, Inc. request that we allow applicants to exclude operating revenues from activities which have been discontinued more than one year prior to the filing of the short form application when determining the average gross revenues for the preceding three years. This was rejected because it could encourage bad business practices by large businesses that are designed to circumvent the Commission's small business provisions for the purpose of becoming eligible for bidding credits. The Commission also rejected the proposal that AMTS geographic area licensees be required to provide substantial service to their service areas within five years. Instead, the Commission has adopted a requirement that AMTS licensees provide substantial service within ten years, *i.e.*, at the time of license renewal. The ten-year substantial service requirement should prove to be less burdensome on small businesses than a five-year benchmark.

Report to Congress: The Commission will send a copy of the *Fifth Report and Order*, including this FRFA, in a report to be sent to Congress pursuant to the Congressional Review Act.³⁴⁴ In addition, the Commission will send a copy of the *Fifth Report and Order*, including this FRFA, to the Chief Counsel for Advocacy of the Small Business Administration. In addition, the *Fifth Report and Order* and FRFA (or summaries thereof) will be published in the Federal Register.³⁴⁵

IT IS FURTHER ORDERED that the Commission's Consumer Information Bureau, Reference Information Center, SHALL SEND a copy of this *Fifth Report and Order*, including the Final Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

³⁴³ These small business size standards have been approved by the U.S. Small Business Administration, pursuant to Section 3 of the Small Business Act. See Letter from Aida Alvarez, Administrator, Small Business Administration, to Margaret W. Wiener, Chief, Auctions and Industry Analysis Division, Wireless Telecommunications Bureau, Federal Communications Commission (dated November 3, 2000) (approving size standards for AMTS and high seas public coast services); see also 15 U.S.C. § 632(a)(2) (establishment of size standards by federal agencies); 13 C.F.R. § 121.90(b) (promulgation of special size standards by federal agencies).

³⁴⁴ See 5 U.S.C. § 801(a)(1)(A).

³⁴⁵ See 5 U.S.C. § 604(b).

APPENDIX C - FINAL RULES

Chapter I of Title 47 of the Code of Federal Regulations, Part 1 is amended as follows:

Part 1 – Practice and Procedure

Chapter I of Title 47 of the Code of Federal Regulations, Part 80 is amended as follows:

1. The authority citation for Part 1 continues to read as follows:

AUTHORITY: 47 U.S.C. 151, 154(i), 154(j), 155, 225, 303(r), 309 and 325(e).

2. Section 1.227 is amended by revising paragraph (b)(4) to read as follows:

§ 1.227 Consolidations.

* * * * *

(b)

* * * * *

(4) This paragraph applies when mutually-exclusive applications subject to section 309(b) of the Communications Act are filed in the Private Radio Services or when there are more such applications for initial licenses than can be accommodated on available frequencies. In such cases, the applications either will be consolidated for hearing or designated for random selection (see § 1.972 of this part). An application which is substantially amended (as defined by § 1.962(c) of this part) will, for the purpose of this section, be considered to be a newly-filed application as of the receipt date of the amendment. Except for applications filed under part 94, Private Operational Fixed Microwave Service, and applications for high seas public coast stations (see §§ 80.122(b)(1) (first sentence), 80.357, 80.361, 80.363(a)(2), 80.371(a), (b), and (d), and 80.374 of this chapter) mutual exclusivity will occur if the later application or applications are received by the Commission's offices in Gettysburg, PA (or Pittsburgh, PA for applications requiring the fees set forth at part 1, subpart G of the rules) in a condition acceptable for filing within 30 days after the release date of public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing or within such other period as specified by the Commission. For applications in the Private Operational Fixed Microwave Service, mutual exclusivity will occur if two or more acceptable applications that are in conflict are filed on the same day. Applications for high seas public coast stations will be processed on a first come, first served basis, with the first acceptable application cutting off the filing rights of subsequent, conflicting applications. Applications for high seas public coast stations received on the same day will be treated as simultaneously filed and, if granting more than one would result in harmful interference, must be resolved through settlement or technical amendment.

* * * * *

Part 80 - Stations in the Maritime Services

1. The authority citation for Part 80 continues to read as follows:

AUTHORITY: Secs. 4, 303, 307(e), 309, and 332, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303, 307(e), 309, and 332, unless otherwise noted. Interpret or apply 48 Stat. 1064-1068, 1081-1105, as amended; 47 U.S.C. 151-155, 301-609; 3 UST 3450, 3 UST 4726, 12 UST 2377.

2. Section 80.49 is amended by revising paragraph (a)(3) to read as follows:

§ 80.49 Construction and regional service requirements.

- (a) *Public coast stations.*

* * * * *

(3) Each AMTS coast station geographic area licensee must make a showing of substantial service within its service area within ten years of the initial license grant, or the authorization becomes invalid and must be returned to the Commission for cancellation. "Substantial" service is defined as service which is sound, favorable, and substantially above a level of mediocre service which just might minimally warrant renewal. For site-based AMTS coast station licensees, when a new license has been issued or additional operating frequencies have been authorized, if the station or frequencies authorized have not been placed in operation within two years from the date of the grant, the authorization becomes invalid and must be returned to the Commission for cancellation.

* * * * *

3. Section 80.60 is amended by revising paragraphs (a) and (b)(2) and adding paragraph (d)(3) to read as follows:

§ 80.60 Partitioned licenses and disaggregated spectrum.

(a) *Eligibility.* The following licensees may partition their service areas or disaggregate their spectrum. Parties seeking approval for partitioning and disaggregation shall request an authorization for partial assignment pursuant to § 1.948 of this chapter.

(1) VHF Public Coast area licensees, *see* § 80.371(c)(1)(ii) of this part, may partition their geographic service area or disaggregate their spectrum pursuant to the procedures set forth in this section.

(2) AMTS geographic area licensees, *see* § 80.385(a)(3) of this part, may partition their geographic service area or disaggregate their spectrum pursuant to the procedures set forth in this section. Site-based AMTS public coast station licensees may partition their license or disaggregate their spectrum pursuant to the procedures set forth in this section, provided that the partitionee or disaggregatee's predicted 38 dBu signal level contour does not extend beyond the partitioner or disaggregator's predicted 38 dBu signal level contour. The predicted 38 dBu signal level contours shall be calculated using the F(50, 50) field strength chart for Channels 7-13 in § 73.699 (Fig. 10) of this chapter, with a 9 dB correction for antenna height differential.

(3) Nationwide or multi-region LF, MF, and HF public coast station licensees, *see* §§ 80.357(b)(1), 80.361(a), 80.363(a)(2), 80.371(b), and 80.374 of this part, may partition their spectrum pursuant to the procedures set forth in this section, except that frequencies or frequency pairs licensed to more than one licensee as of March 13, 2002 may be partitioned only by the earliest licensee, and only on the condition that the partitionee shall operate on a secondary, non-interference basis to stations licensed as of March 13, 2002 other than the earliest licensee. Coordination with government users is required for partitioning of spectrum the licensing of which is subject to coordination with government users.

- (b) *Technical standards.* (1) * * * * *

(2) *Disaggregation.* VHF (156-162 MHz) spectrum may only be disaggregated according to frequency pairs. AMTS spectrum may be disaggregated in any amount.

* * * * *

(d) *Construction Requirements.*

* * * * *

(3) *Site-based AMTS, and nationwide or multi-region LF, MF, and HF public coast.* Parties seeking to acquire a partitioned license or disaggregated spectrum from a site-based AMTS, or nationwide or multi-region LF, MF, and HF public coast licensee will be required to construct and commence "service to subscribers" in all facilities acquired through such transactions within the original construction deadline for each facility as set forth in § 80.49. Failure to meet the individual construction deadline will result in the automatic termination of the facility's authorization.

* * * * *

4. Section 80.70 is amended by revising paragraph (c) to read as follows:

§ 80.70 Special conditions relative to coast station VHF facilities.

* * * * *

(c) A VHF (156-162 MHz) public coast licensee initially authorized on any of the channels listed in the table in § 80.371(c)(1) of this part, or an AMTS licensee initially authorized on any of the channel blocks listed in the table in § 80.385(a)(2) of this part, may transfer or assign its channel(s), or channel block(s), to another entity. If the proposed transferee or assignee is the geographic area licensee for the geographic area to which the frequency block is allocated, such transfer or assignment will be deemed to be in the public interest. However, such presumption will be rebuttable.

* * * * *

5. Section 80.122 is amended by revising paragraph (b)(1) to read as follows:

§ 80.122 Public coast stations using facsimile and data.

* * * * *

(b) * * *

(1) Frequencies in the 2000-27500 kHz bands in part 2 of the Commission's rules as available for shared use by the maritime mobile service and other radio services are assignable to public coast stations for providing facsimile communications with ship stations. Additionally, frequencies in the 156-162 MHz and 216-220 MHz bands available for assignment to public coast stations for radiotelephone communications that are contained in subpart H of this part are also available for facsimile and data communications.

* * * * *

6. Section 80.153 is amended by removing paragraphs (b) and (c)(1), redesignating paragraph (c)(2) as paragraph (b), and revising paragraph (a) to read as follows:

§ 80.153 Coast station operator requirements.

(a) Except as provided in § 80.179, operation of a coast station transmitter must be performed by a person who is on duty at the control point of the station. The operator is responsible for the proper operation of the station.

* * * * *

7. Section 80.207 is amended by revising paragraph (d) to read as follows:

§ 80.207 Classes of emission.

* * * * *

(d) The authorized classes of emission are as follows:

Types of stations	Classes of emission
<p>Ship Stations¹</p> <p>Radiotelegraphy:</p> <p>* * * * *</p> <p>216-220 MHz³</p> <p>* * *</p> <p>* * *</p> <p>Land Stations¹</p> <p>Radiotelegraphy:</p> <p>* * * * *</p> <p>216-220 MHz³</p> <p>* * * * *</p>	<p>F1B, F2B, F2C, F3C, F1D, F2D</p> <p>F1B, F2B, F2C, F3C, F1D, F2D</p>

¹ Excludes distress, EPIRBs, survival craft, and automatic link establishment.

* * * * *

³ Frequencies used in the Automated Maritime Telecommunications System (AMTS). See § 80.385(b).

* * * * *

8. Section 80.215 is amended by revising paragraph (h)(3)(i) to read as follows:

§ 80.215 Transmitter power

* * * * *

(h) * * *

(3) * * *

(i) Shows that the proposed site is the only suitable location (which, at the application stage, requires a showing that the proposed site is especially well-suited to provide the proposed service);

* * * * *

9. Section 80.357 is amended by revising paragraph (b)(1) to read as follows:

§ 80.357 Morse code working frequencies.

* * * * *

(b) *Coast station frequencies.*

(1) *Frequencies in the 100-27500 kHz band.* The following table describes the working carrier frequencies in the 100-27500 kHz band which are assignable to coast stations located in the designated geographical areas. The exclusive maritime mobile HF bands listed in the table contained in § 80.363(b) of this part are also available for assignment to public coast stations for A1A or J2A radiotelegraphy following coordination with government users. With respect to frequencies that are assignable in more than one geographical area, once the frequency is assigned to one licensee, any subsequent license will be authorized on a secondary, non-interference basis with respect to the incumbent license's existing operation. If the first licensee later seeks authorization to operate in an additional geographic area, such authorization will be on a secondary, non-interference basis to other co-channel licensees.

* * * * *

10. Section 80.371 is amended by revising paragraphs (a), (b), (c)(1)(ii) (text only), and (iv) to read as follows:

§ 80.371 Public correspondence frequencies.

* * * * *

(a) *Working frequencies in the 2000-4000 kHz band.* The following table describes the working carrier frequency pairs in the 2000-4000 kHz band.

Working frequency pairs in the 2000-4000 kHz band		
Region	Carrier frequencies (kHz)	

	Ship transmit	Coast transmit
East Coast:	***	***
***	2118.0	¹ 2514.0
	***	***
	2382.0	⁵ 2482.0
	***	***
	2406.0	⁴ 2506.0
West Coast:	***	***
	2430.0	⁵ 2482.0
Gulf Coast:	***	***
	¹ 2158.0	¹ 2550.0
	***	***
	2382.0	⁵ 2482.0
***	***	***
Alaska:	2131.0	⁵ 2309.0
***	***	***

¹ Unlimited hours of use from December 15 to April 1 and day only from April 1 to December 15. Harmful interference must not be caused to any station in the Great Lakes region.

⁴ Harmful interference must not be caused to any coast station in the Caribbean region.

⁵ But see section 80.373(c)(3) of this chapter.

(b) *Working frequencies in the 4000-27500 kHz band.* This paragraph describes the working carrier frequencies in the 4000-27500 kHz band. With respect to frequencies that are assignable in more than one geographical area, once the frequency is assigned to one licensee, any subsequent license will be authorized on a secondary, non-interference basis with respect to the incumbent licensee's existing operation. If the first licensee later seeks authorization to operate in an additional geographic area, such authorization will be on a secondary, non-interference basis to other co-channel licensees.

(c) *Working frequencies in the marine VHF 156-162 MHz band.*

(1)(i) ***

(ii) Service areas in the marine VHF 156-162 MHz band are VHF Public Coast Station Areas (VPCSAs). As listed in the table in this paragraph, VPCSAs are based on, and composed of one or more of, the U.S. Department of Commerce's 172 Economic Areas (EAs). See 60 FR 13114 (March 10, 1995). In addition, the Commission shall treat Guam and the Northern Mariana Islands, Puerto Rico and the United States Virgin Islands, American Samoa, and the Gulf of Mexico as EA-like areas 173-176, respectively. Maps of the EAs and VPCSAs are available for public inspection and copying at the Federal

Communications Commission, Public Safety and Private Wireless Division, 445 12th St., S.W., Room 4-C330, Washington, D.C. Except as shown in the table, the frequency pairs listed in paragraph (c)(1)(i) of this section are available for assignment to a single licensee in each of the VPCSA's listed in the table in this paragraph. In addition to the listed EAs listed in the table in this paragraph, each VPCSA also includes the adjacent waters under the jurisdiction of the United States.

* * * * *

(iv) Subject to the requirements of §§ 1.924 and 80.21, each VPCSA licensee may place stations anywhere within its region without obtaining prior Commission approval provided:

* * * * *

11. Section 80.373 is amended by adding a new paragraph (c)(3) to read as follows:

§ 80.373 Private communications frequencies.

* * * * *

(c) * * *

(3) In addition to the frequencies shown in paragraph (c)(1) of this section, the following coast transmit frequencies listed in the table in § 80.371(a) of this chapter are available for assignment to private coast stations and authorized ship stations for simplex business and operational radiotelephone communications: in the East Coast, West Coast, and Gulf Coast regions, 2482 kHz; in the Alaska region, 2309 kHz. These frequencies shall not be assigned to public coast stations before [insert date one year after effective date]. After that date, only the above frequencies in the above regions that have been assigned to at least one private coast station shall continue to be available for assignment to private coast stations. If, by that date, in any of the above regions, any of the above frequencies has not been assigned to a private coast station, that frequency in that region shall be available for assignment only to public coast stations.

* * * * *

12. Section 80.385 is amended by redesignating paragraph (a)(3) as paragraph (a)(4) and paragraph (c) as (d), revising paragraphs (a)(2) and (b), and adding new paragraphs (a)(3) and (c) to read as follows:

§ 80.385 Frequencies for automated systems.

* * * * *

(a) * * *

(1) * * *

(2) The following carrier frequencies are available for assignment to public coast stations for public correspondence communications with ship stations and units on land. AMTS operations must not cause harmful interference to the U.S. Navy SPASUR system which operates in the band 216.880-217.080 MHz.

Channel No.	Carrier frequency (MHz)		
	Ship transmit ^{1,3}	Coast transmit ²	Group
101.....	216.0125	D
102.....	216.0375	
103.....	216.0625	
104.....	216.0875	
105.....	216.1125	
106.....	216.1375	
107.....	216.1625	
108.....	216.1875	
109.....	216.2125	
110.....	216.2375	
111.....	216.2625	
112.....	216.2875	
113.....	216.3125	
114.....	216.3375	
115.....	216.3625	
116.....	216.3875	
117.....	216.4125	
118.....	216.4375	
119.....	216.4625	
120.....	216.4875	C
121.....	216.5125	
122.....	216.5375	
123.....	216.5625	
124.....	216.5875	
125.....	216.6125	
126.....	216.6375	
127.....	216.6625	
128.....	216.6875	
129.....	216.7125	
130.....	216.7375	
131.....	216.7625	
132.....	216.7875	
133.....	216.8125	
134.....	216.8375	
135.....	216.8625	
136.....	216.8875	
137.....	216.9125	
138.....	216.9375	
139.....	216.9625	
140.....	216.9875	B
141.....	219.0125	217.0125	
142.....	219.0375	217.0375	
143.....	219.0625	217.0625	
144.....	219.0875	217.0875	
145.....	219.1125	217.1125	
146.....	219.1375	217.1375	
147.....	219.1625	217.1625	
148.....	219.1875	217.1875	
149.....	219.2125	217.2125	

150.....	219.2375	217.2375	A
151.....	219.2625	217.2625	
152.....	219.2875	217.2875	
153.....	219.3125	217.3125	
154.....	219.3375	217.3375	
155.....	219.3625	217.3625	
156.....	219.3875	217.3875	
157.....	219.4125	217.4125	
158.....	219.4375	217.4375	
159.....	219.4625	217.4625	
160.....	219.4875	217.4875	
161.....	219.5125	217.5125	
162.....	219.5375	217.5375	
163.....	219.5625	217.5625	
164.....	219.5875	217.5875	
165.....	219.6125	217.6125	
166.....	219.6375	217.6375	
167.....	219.6625	217.6625	
168.....	219.6875	217.6875	
169.....	219.7125	217.7125	
170.....	219.7375	217.7375	
171.....	219.7625	217.7625	
172.....	219.7875	217.7875	
173.....	219.8125	217.8125	
174.....	219.8375	217.8375	
175.....	219.8625	217.8625	
176.....	219.8875	217.8875	
177.....	219.9125	217.9125	
178.....	219.9375	217.9375	
179.....	219.9625	217.9625	
180.....	219.9875	217.9875	

¹ Ship transmit frequencies in Groups C and D are not authorized for AMTS use.

² Coast station operation on frequencies in Groups C and D are not currently assignable and are shared on a secondary basis with the Low Power Radio Service in part 95 of this chapter. Frequencies in the band 216.750-217.000 MHz band are available for low power point-to-point network control communications by AMTS coast stations under the Low Power Radio Service (LPRS). LPRS operations are subject to the conditions that no harmful interference is caused to the United States Navy's SPASUR radar system (216.88-217.08 MHz) or to TV reception within the Grade B contour of any TV channel 13 station or within the 68 dBu predicted contour of any low power TV or TV translator station operating on channel 13.

³ Ship transmit frequencies in Groups A and B are permitted to provide mobile-to-mobile communications where the written consent of all affected licensees is obtained.

* * *

(3) As listed in the table in this paragraph, AMTS Areas (AMTSAs) are based on, and composed of one or more of, the U.S Department of Commerce's 172 Economic Areas (EAs). See 60 FR 13114 (March 10, 1995). In addition, the Commission shall treat Puerto Rico, the United States Virgin Islands, and the Gulf of Mexico as EA-like areas. Maps of the EAs and AMTSAs are available for public inspection and copying at the Federal Communications Commission, Public Safety and Private Wireless Division, 445 12th Street, S.W., Room 4-C330, Washington, D.C. The Group A and B frequency pairs

listed in the table in paragraph (a)(2) of this section are available for assignment to a single licensee in each of the AMTSAs listed in the table in this paragraph. In addition to the listed EAs listed in the table in this paragraph, each AMTSA also includes the adjacent waters under the jurisdiction of the United States.

AMTS areas (AMTSAs)	
AMTSAs	EAs
1 (Northern Atlantic)	1-5, 10
2 (Mid-Atlantic)	9, 11-23, 25, 42, 46
3 (Southern Atlantic)	24, 26-34, 37, 38, 40, 41, 174
4 (Mississippi River)	35, 36, 39, 43-45, 47-53, 67-107, 113, 116-120, 122-125, 127, 130-134, 176
5 (Great Lakes)	6-8, 54-66, 108, 109
6 (Southern Pacific)	160-165
7 (Northern Pacific)	147, 166-170
8 (Hawaii)	172
9 (Alaska)	171
10 (Mountain)	110-112, 114-115, 121, 126, 128, 129, 135-146, 148-159

* * * * *

(b) Subject to the requirements of §§ 1.924, 80.215(h), and 80.475(a), each AMTS geographic area licensee may place stations anywhere within its region without obtaining prior Commission approval provided:

(1) The AMTS geographic area licensee must locate its stations at least 120 kilometers from the stations of co-channel site-based AMTS licensees. Shorter separations between such stations will be considered by the Commission on a case-by-case basis upon submission of a technical analysis indicating that at least 10 dB protection will be provided to an site-based licensee's predicted 38 dBu signal level contour. The site-based licensee's predicted 38 dBu signal level contour shall be calculated using the F(50, 50) field strength chart for Channels 7-13 in § 73.699 (Fig. 10) of this chapter, with a 9 dB correction for antenna height differential. The 10 dB protection to the site-based licensee's predicted 38 dBu signal level contour shall be calculated using the F(50, 10) field strength chart for Channels 7-13 in § 73.699 (Fig. 10a) of this chapter, with a 9 dB correction factor for antenna height differential.

(2) The locations and/or technical parameters of the transmitters are such that individual coordination of the channel assignment(s) with a foreign administration, under applicable international agreements and rules in this part, is not required.

(3) For any construction or alteration that would exceed the requirements of § 17.7 of this chapter, licensees must notify the appropriate Regional Office of the Federal Aviation Administration (FAA Form 7460-1) and file a request for antenna height clearance and obstruction marking and lighting specifications (FCC Form 854) with the FCC, Attn: Information Processing Branch, 1270 Fairfield Rd., Gettysburg, PA 17325-7245.

(4) The transmitters must not have a significant environmental effect as defined by §§ 1.1301 through 1.1319 of this chapter.

(c) Any recovered frequency blocks will revert automatically to the holder of the geographic area license within which such frequencies are included. Any frequency blocks recovered where there is no geographic area licensee will be retained by the Commission for future licensing.

* * * * *

13. Section 80.475 is amended by revising paragraph (a) to read as follows:

§ 80.475 Scope of service of the Automated Maritime Telecommunications System (AMTS).

(a) A separate Form 601 is not required for each coast station in a system. However, except as provided in § 80.385(b) of this part and paragraph (b) of this section, the applicant must provide the technical characteristics for each proposed coast station, including transmitter type, operating frequencies, emissions, transmitter output power, antenna arrangement, and location.

* * * * *

14. Section 80.479 is revised to read as follows:

§ 80.479 Assignment and use of frequencies for AMTS.

(a) The frequencies assignable to AMTS stations are listed in Subpart H of this part. These frequencies are assignable to ship and public coast stations for public correspondence communications.

(b) The transmissions from a station of an AMTS geographic area licensee may not exceed a predicted 38 dBu field strength at the geographic area border, unless all affected co-channel geographic area licensees agree to the higher field strength. The predicted 38 dBu field strength is calculated using the F(50, 50) field strength chart for Channels 7-13 in § 73.699 (Fig. 10) of this chapter, with a 9 dB correction factor for antenna height differential. Geographic area licensees must coordinate to minimize interference at or near their geographic area borders, and must cooperate to resolve any instances of interference in accordance with the provisions of § 80.70(a) of this part.

(c) AMTS frequencies may be used for mobile-to-mobile communications if written consent is obtained from all affected licensees.

* * * * *

15. Section 80.1251 is revised to read as follows:

§ 80.1251 Maritime communications services subject to competitive bidding.

Mutually exclusive applications for VPCSA licenses and AMTS coast station licenses are subject to competitive bidding procedures. The general competitive bidding procedures set forth in Part 1, Subpart Q, of this chapter will apply unless otherwise provided in this part.

APPENDIX D – AMTS SERVICE AREA MAP

